

STATE OF UTAH
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

**HOMEOWNER'S APPLICATION FOR
CERTIFICATE OF COMPLIANCE**

RESIDENCE LIEN RECOVERY FUND

APPLICATION INSTRUCTIONS AND INFORMATION

This application is for use by homeowners or anyone representing a homeowner. This application is NOT an application for payment from the Lien Recovery Fund.

General Statement: The Utah Division of Occupational and Professional Licensing (DOPL) desires to provide courteous and timely service to all applicants for registration. To facilitate the application process, **submit a complete application form, including all applicable supporting documents and fees.** Failure to submit a complete application and supply all necessary information will delay processing and may result in denial of registration. **Please read all instructions carefully.** DOPL cannot and will not act as an agent for the applicant to gather the documents necessary to complete the application.

SIMPLIFIED INSTRUCTIONS:

These instructions provide basic directions for completing the application. Detailed instructions, including extensive explanation of types of documents to attach and applicable citations from the laws and rules, can be found at the end of the application.

1. Complete the Information and Documentation section. Do not leave any question blank. If a question does not apply, please indicate such with "N/A."
2. Carefully read the Affidavit of Compliance, Certification, and Release of Information. If all of the statements on the affidavit are correct, sign it and have your signature notarized. Submit the affidavit with this application.
3. Attach to your application the following documents: (See detailed instructions for examples of acceptable documents.)
 - ☐ a copy of the written contract between you and your contractor
 - ☐ proof that your contractor was licensed or exempt from licensure
 - ☐ proof that you have paid the contract in full

4. Complete the attached Certificate of Service (page #10 of this packet). Attach a copy of the Certificate to a copy of this claim application and send both by certified mail, return receipt requested, to the original contractor. Attach the original Certificate of Service to this application.
5. Send a copy of this claim application and all attachments by certified mail, return receipt requested, to all lien claimants.
6. Submit a **\$30.00 non-refundable** application-processing fee, made payable to “DOPL-LRF.”

ADDITIONAL IMPORTANT INFORMATION:

1. **Laws and Rules:** You are required to understand all Utah laws and rules pertaining to your application for a Certificate of Compliance. The detailed instructions at this end of the application provide extensive explanation of those laws and rules; however reliance on those instructions does not guarantee compliance with the applicable laws and rules. The following are the laws and rules with which you need to be familiar:

- ☐ Utah Residence Lien Restriction and Lien Recovery Fund Act (Title 38, Chapter 11 Utah Code Annotated)
- ☐ Residence Lien Restriction and Lien Recovery Fund Rules (R156-38a Utah Administrative Code)

Copies of these laws and rules may be obtained on DOPL’s website: www.dopl.utah.gov

You may also purchase them for a fee from DOPL at (801) 530-6104.

2. **Current Documents:** Applications, statutes, rules and forms are occasionally changed. Go to www.dopl.utah.gov to ensure you have the most recent version of these documents.
3. **Updating Address Information:** You are responsible to maintain a current address with the Fund. All correspondence will be sent to the last known address shown on the Fund’s records. If your address or any other pertinent information should change, you must notify the Fund of this change in writing. If your address is incorrect, you will not receive claims-related correspondence, which could result in the denial of your application.

4. **Mail Complete Application to:**

By U.S. Mail

Residence Lien Recovery Fund
P.O. Box 146741
Salt Lake City, Utah 84114-6741

By Delivery or Express Mail

Residence Lien Recovery Fund
160 East 300 South, 1st Floor Lobby
Salt Lake City, Utah 84111

5. **Telephone Numbers:**

(801) 530-6104
(801) 530-6628

(866) ASK-DOPL – Toll-free in Utah
(866) 275-3675

6. **Fax Number:**

(801) 530-6511 – attn: LRF

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APPLICATION FOR CERTIFICATE OF COMPLIANCE

INFORMATION AND DOCUMENTATION

Homeowner Applicant:

Name: _____

Address of Property against which Lien was Filed: _____

City: _____ State: _____ Zip: _____

Telephone: (_____) _____

Is the address listed above the same as your mailing address? _____ Yes _____ No

If "no," please provide your complete mailing address: _____

The following two items are not required. However, the more information you provide, the better the description of your property in the Certificate of Compliance. The more complete the description given in the Certificate, the easier time it will be for lien claimants to recognize that the Certificate applies to your residence.

Tax Parcel Number (found on your annual property tax notice): _____

Legal Description or Lot Number (found on the Notice of Lien): _____

Homeowner's Attorney or Other Representative (if applicable):

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (_____) _____

Original Contractor/Factory Built Housing Retailer/Real Estate Developer:

(Please circle applicable designation above. See Definitions Section for additional information)

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contractor License Number: _____

Telephone: (_____) _____

Original Contractor's Attorney (if applicable):

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (_____) _____

Residence Type:

Please mark the type of residence you own:

- ☐ Detached, single-family dwelling
☐ Duplex residence
☐ Other, describe: _____

Date your original contractor completed construction on your residence: ____/____/____

Date you began occupying your residence: ____/____/____

Are you or your tenant or lessee occupying the residence as a primary or secondary residence?

☐ Yes ☐ No, explain: _____

Did you purchase the residence from a previous owner within 180 days from the date construction was completed?

☐ No ☐ Yes, explain: _____

Did you enter into a written contract with your original contractor?

☐ Yes. Attach a copy of the contract to this application (see detailed instructions).

☐ No. Explain: _____

Was your contractor licensed?

☐ Yes, the contractor was **licensed**.

☐ No, the contractor was **exempt from licensure**; attach documents demonstrating why the contractor was exempt. (See detailed instructions.)

☐ No, the contractor was a **real estate developer**; attach documents demonstrating that all the elements of a real estate developer were met. (See detailed instructions.)

☐ No, the contractor was a **factory built housing retailer**. (See detailed instructions.)

☐ No, the contractor was not licensed.

Did you pay your original contractor **in full** according to the terms of the written contract and any modifications to that contract?

☐ Yes. Attach documents demonstrating payment. (See detailed instructions.)

☐ No. Explain: _____

Mechanics' Lien Holders:

Please list all companies or individuals who have filed a mechanics' lien on your residence.

Company or Individual Name: _____

<p>IN THE MATTER OF THE APPLICATION FOR A CERTIFICATE OF COMPLIANCE ON THE RESIDENCE OF</p> <hr/> <p style="text-align: center;">(Applicant's Name)</p> <p>LOCATED AT</p> <hr/> <p style="text-align: center;">(Address, City, and State of the property)</p> <hr/> <hr/>	<p>AFFIDAVIT OF COMPLIANCE, CERTIFICATION, AND RELEASE OF INFORMATION</p>
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I, _____, being first duly sworn state as follows:
(Name of person completing application)

- DOPL-AP-096 REV 03/15/2006

6. The homeowner is the owner of a ☐ detached single family residence ☐ duplex ☐ other type of residence (check the appropriate box) located at:

Street Address City State Zip

7. Construction on this residence was or will be completed on: ____/____/____ (date).

8. The homeowner ☐ is ☐ will be ☐ is not ☐ will not be occupying this property as a primary or secondary residence (check the appropriate box).

9. The homeowner began or will begin occupying this property as a primary or secondary residence on: ____/____/____ (date).

10. The homeowner ☐ is ☐ is not renting or leasing this property as a primary or secondary residence to:

Renter's or Lessee's Name Street Address City State Zip

11. The homeowner's tenant or lessee began or will begin occupying this property on ____/____/____ (date).

12. I hereby authorize all persons, institutions, governmental agencies, employers, or any others not specifically included in the preceding characterization, which are set forth directly or by reference in this application, to release to the Division of Occupational and Professional Licensing, State of Utah or the Residence Lien Recovery Fund Advisory Board, any files, records or information of any type reasonably required for the Division of Occupational and Professional Licensing or the Board to properly evaluate my application.

Signature of Affiant (sign here)

Date

Subscribed and sworn to before me this _____ day of _____, _____

(SEAL)

Signature of Notary Public

Applicant's Name

Applicant's Address

Applicant's City, State, & Zip

Applicant's Telephone Number

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
DEPARTMENT OF COMMERCE
STATE OF UTAH

IN THE MATTER OF THE APPLICATION
FOR A CERTIFICATE OF COMPLIANCE
ON THE RESIDENCE OF

(Homeowners' Name)

LOCATED AT _____
(Address, City, and State of the property)

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, I served
(date) (month) (year)
a copy of the HOMEOWNER'S APPLICATION FOR CERTIFICATE OF COMPLIANCE for
the above-referenced residence, along with this CERTIFICATE OF SERVICE, on the following
by depositing a copy in the U.S. mail, return receipt requested, postage pre-paid, addressed to:

(original contractor's name)

(original contractor's address)

(original contractor's city, state, & zip)

Certified mail return receipt requested receipt No. _____

DATED this _____ day of _____,
(date) (month) (year)

Signature

**Detailed Instructions
Including Citations to Applicable Laws and Rules
And Examples of Acceptable Documents**

This section contains definitions of terms used throughout the application. DOPL personnel will use these definitions during the application review process. This section also contains explanations and examples of the types of documents that you should attach to the application. Please keep these instructions for your future reference.

IMPORTANT DEFINITIONS:

Factory Built Housing Retailer means a person that sells factory built housing, as defined in Utah Code Ann. § 58-56-3, to the public [Utah Code Ann. § 38-11-102(11)]

Original Contractor means a person who contracts with an owner or the owner's agent to provide services, labor, or materials for the construction of an owner-occupied residence, as defined below. [Utah Code Ann. § 38-11-102(16)]

Owner means a person who contracts with a contractor who is licensed or exempt from licensure under the Utah Construction Trades Licensing Act for construction on a single family or duplex residence, or with a real estate developer for the purchase of a single family or duplex residence. [Utah Code Ann. § 38-11-102(17)] Further, an "owner" is not a person or developer who builds residences which are offered for sale to the public. [Utah Admin. Code § R156-38a-102(8)]

Owner-Occupied Residence means a primary or secondary detached single-family dwelling or duplex, including factory built housing, that is or will be occupied by the owner, or his tenant or lessee, within 180 days of completion of construction. [Utah Code Ann. § 38-11-102(18) & (22)]

Real Estate Developer means a person having an ownership interest in real property who contracts with a licensed contractor for the construction of a residence that is offered for sale to the public. [Utah Code Ann. § 38-11-102(21)]

Subsequent Owner means a person who purchases a residence from an owner within 180 days from the date of the completion of the construction on the residence. [Utah Code Ann. § 38-11-102(23)]

Written Contract means one or more documents evidencing an agreement between the homeowner and the original contractor that creates an obligation for the original contractor to, at a date subsequent to the date of document, provide construction services, either personally or through others, in exchange for payment from the homeowner.

Instructions and Examples of Documents to Attach:

Please Note: The explanations and examples given below cover the circumstances DOPL deals with most often. Information on how DOPL has addressed more unusual circumstances can be found by visiting DOPL's website (www.dopl.utah.gov), clicking on Programs, clicking on Residence Lien Recovery Fund, and, finally, clicking on Important Claim Decisions and Policies.

Licensed Contractor:

You can demonstrate your contractor was licensed or exempt from licensure by submitting one of the following:

- (1) If you contracted with a contractor who was licensed under the Construction Trades Licensing Act, DOPL will verify that license as part of the application-review process. Simply ensure your contract clearly identifies the licensee with whom you contracted.
- (2) If you contracted with a contractor who was exempt from licensure, provide a written explanation, with applicable supporting documents, that the contractor fits within one of the following exemptions:
 - (a) Owner-builder exemption [Utah Code Ann. § 58-55-305(1)(d)] You purchased the home from a person who was sole owner of the residence and who builds no more than one residential structure per year and no more than three residential structures per five years.
 - (b) "Sears" exemption [Utah Code Ann. § 58-55-305(1)(f)] You contracted with a company engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property and that company contracted with a licensed contractor to install, affix, or attach that property.
 - (c) "Handyman" exemption [Utah Code Ann. § 58-55-305(1)(h)] You contracted for repair, remodel, or addition to an existing residence with a total contract price, materials and labor, of less than \$1,000 and the contractor did not perform plumbing, electrical, gas, or water-based fire protection services.
 - (d) Unregulated contractor exemption [Utah Code Ann. § 58-55-305(1)(i)] You contracted with a contractor to perform one or more of the following:
 1. Sandblasting
 2. Well drilling
 3. Smoke or fire alarm installation
 4. Emergency water removal
 5. Tree trimming or tree removal
 6. Lead or asbestos removal
 7. Installation of telephone, television, or other communication cabling of under 50 volts
 8. Window cleaning or other types of power washing
 9. Installation of a central vacuum system
 10. Installation of custom closet inserts

11. Concrete cutting
 12. Hanging of wallpaper
 13. Installation of drapery or window blinds
 14. Installation of carpet or vinyl flooring
 15. Installation of a lightning rod
 16. Delivery and connection of appliances to existing utilities
- (3) If you contracted with a real estate developer provide the following:
- (a) Evidence that the real estate developer had an ownership interest in the property. This would normally be a copy of the warranty deed transferring ownership from the prior owner to you or a title search showing the ownership history of the property.
 - (b) A copy of the contract between the real estate developer and the licensed contractor(s) that built the residence or other credible evidence showing the existence of such a contract and setting forth a description of the services provided to the real estate developer by the contractor(s).
 - (c) Evidence that the real estate developer offered the residence for sale to the public. For example, a copy of the listing agreement between the seller and the seller's realtor. [Utah Admin. Code § R156-38a-204a(2)(b)]
- (4) If you contracted with a factory built housing retailer, provide a copy of the completed retail purchase contract. [Utah Admin. Code § R156-38a-204a(2)(c)]

Payment in Full:

You can show that you paid your contractor in full by submitting one or more of the following:

- (1) An affidavit of full payment from the original contractor, factory built housing retailer, or real estate developer. The affidavit must be from the original contractor, factory built housing retailer, or real estate developer and must affirm that you paid the contract in full. [Utah Admin. Code § R156-38a-204a(3)(a)]
- (2) Other documentation showing you paid your original contractor, factory built housing retailer, or real estate developer in full. [Utah Admin. Code § R156-38a-204a(3)(b)]
DOPL has commonly accepted the following:
 - (a) Canceled checks totaling the face amount of the contract and all change orders.
 - (b) *Complete*, meaning both columns are filled in, HUD-1 Settlement Statements showing the final contract price and settlement of funds with the title company. The statement must be signed by the buyer, the seller, and the title agent.
 - (c) Any other documents that positively identify the final contract amount and the total amount you paid.

Written Contract:

You can demonstrate that you had a written contract with your contractor by submitting copies of the document or documents that made up your agreement [Utah Admin. Code § R156-38a-204a(1)]. DOPL commonly accepts the following as constituting a written contract:

- (1) The complete, including all addenda, Real Estate Purchase Contract executed between the homeowner and the contractor or real estate developer.
- (2) A bid or estimate from the contractor accepted by the homeowner either on the face of the document or by payment to the contractor.
- (3) Any other written document that identifies the contractor, the homeowner, the work to be performed, and the contract price.

Please note, you must have agreed to the contract and reduced the terms of the contract to writing **before** the contractor began work.